## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/688,561

Confirmation No.: 2403

First-Named Inventor: David W. Burke et al.

Filing Date: October 17, 2003

Group Art Unit: 1797

Examiner: Arlen Soderquist

Attorney Docket No.: 007404-000556

Title: SYSTEM AND METHOD FOR DETERMINING AN ABUSED

SENSOR DURING ANALYTE MEASUREMENT

## **AMENDMENT AND RESPONSE UNDER 37 CFR 1.116**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Final Office Action dated July 11, 2008, please consider the following remarks. It is believed that no fees are due, but if fees are deemed to be due, the Commissioner is authorized to charge such fees to Deposit Account No. 23-3030, but not to include the payment of any issue fee.